IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	Group Art Unit: 2457
Beams, et. al.	)	
	)	Examiner: Salad, Abdullahi Elmi
Serial No.: 09/934,924	)	
	)	Attorney Docket No: 005222.00184
Filed: August 22, 2001	)	
	)	Confirmation No. 9686
For: Creating a Virtual Consultant	)	

BRIEF ON APPEAL

Mail Stop: Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 41.37, Appellants submit this Appeal Brief to the Board of Patent Appeals and Interferences in response to the Final Office Action mailed on November 26, 2008. A Notice of Appeal with a Pre-Appeal Brief was timely filed on January 28, 2009. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on March 23, 2009, resetting filing an Appeal Brief to one month from mailing the decision. Please charge any necessary fees in connection with this Appeal Brief to Deposit Account No. 19-0733.

I. Real Parties in Interest

The real party in interest is ACCENTURE GLOBAL SERVICES GMBH.

II. Related Appeals and Interferences

Appellants are unaware of any appeals or interferences related to the subject appeal.

III. Status of the Claims

Claims 1-19 have been cancelled. Claims 20-57 are pending and are found in the Appendix. Claims 39-57 are withdrawn from consideration. Claims 20-38 stand rejected. No claims have been allowed.

Claims 20-38 are being appealed.

IV. Status of Amendments

No amendment after final rejection has been filed.

V. Summary of the Claimed Subject Matter

An embodiment is directed to systems and methods that establish a virtual consultant by connecting a virtual university server and one or more users, selects a destination within the virtual university server to interact with the one or more users, couples the one or more users through the virtual university server based on the selected destination, and establishes interaction parameters for the one or more users based on the selected destination. (Page 2, lines 27-31.) The following description summarizes the invention and is subsequently followed by the specific descriptions of the independent claims 20, 29, and 30 (labeled as "**Description of Independent Claims**").

The interaction techniques include rules for one to one correspondence and one to many. (Page 3, lines 1-5.) The destinations include a virtual classroom, administrative offices, virtual library and virtual student union. Additional support is provided for distributing grades, tests, homework materials, directory information and other classroom materials electronically.

Virtual Meeting Rooms provide for a virtual meeting capability between the subscriber and a subject matter expert (SME). (Page 221, lines 7-9.) This capability also allows for a private room to be used as a work-in-process room for subscriber interactions with channel SME's.

Referring to Figure 87 (as shown below), processing commences at function block 87000 when a connection is made through the internet to a website associated with the virtual university. (Page 222, lines 9-19.) A test is made at decision block 87010 to determine where the web traveler would like to venture. The first destination is the student union at decision block 87030. If the student union is the destination then at function block 88000 (as shown in Figure 88 below), the traveler enters the student union which is detailed in Figure 91 (not shown). If the traveler wants to utilize a bulletin board for various functions detailed in Figure 91, then the

bulletin board function is used at function block 88010. Finally, if the traveler wants to conduct collaborations with other persons in the virtual university, then the collaboration function is utilized at function block 88020 and control is passed back to label A 87020.

If a traveler entering the virtual university desires to use the library as detected at decision block 87040, then the various resources comprising links, articles and whitepapers are presented in function block 87050. (Page 222, lines 21-28.) Function block 87070 provides access to a librarian and function block 87080 provides access to collaboration for conversing with other virtual university travelers. A list of active virtual university active participants is provided to select collaborators from. Finally, control is passed back to label A 87020 for further travel through the virtual university. Detailed processing for the library is provided in Figure 92.

Label DD 87060 is provided to gain access to the administrative offices through decision block 88030. (Page 222, line 30- page 223, line 6.) If administrative functions are desired, then course registration is provided at function block 88050, a university directory is provided at function block 88060, a class locator is provided at function block 88070, an administrative help desk is provided at function block 88080, add/drop processing is provided at function block 88090, a career center is provided at function block 88100 and then processing is returned to label A 87020. Detailed processing for the administrative functions is provided in Figures 93 (not shown) and 94 (not shown).

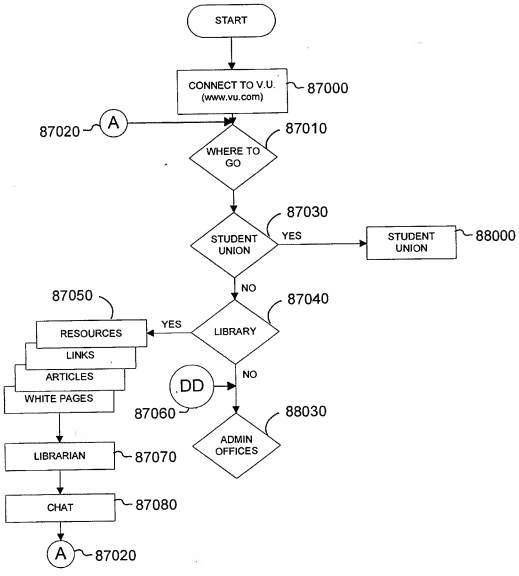
START
CONNECT TO V.U. (www.vu.com)
87000
87020
A
87010
WHERE TO GO
87030
STUDENT UNION
YES
STUDENT UNION
88000
NO
87050
87040
RESOURCES
YES
LIBRARY
LINKS
ARTICLES
WHITE PAGES
DD
NO
87060
88030
ADMIN OFFICES
LIBRARIAN
87070
CHAT
87080
A
87020

FIGURE 87

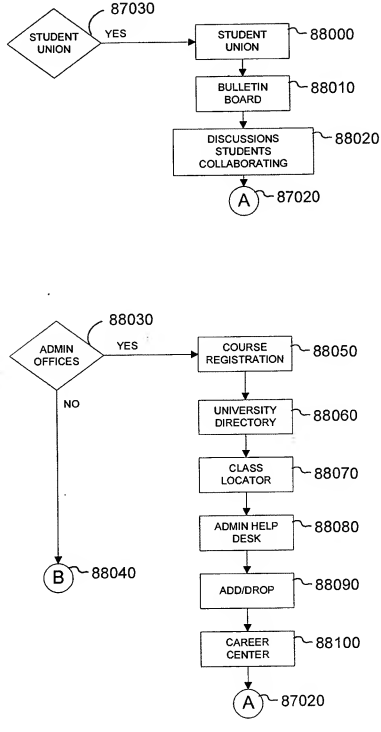
87030
STUDENT UNION
YES
STUDENT UNION
88000
BULLETIN BOARD
88010
DISCUSSIONS STUDENTS COLLABORATING
88020
A
87020
88030
ADMIN OFFICES
YES
COURSE REGISTRATION
88050
NO
UNIVERSITY DIRECTORY
88060
CLASS LOCATOR
88070
ADMIN HELP DESK
88080
B
88040
ADD/DROP
88090
CAREER CENTER
88100
A
87020

FIGURE 88

Further destinations for travelers in the virtual university are provided through label B 88040 which traverses to Figure 89 (as shown below). (Page 223, lines 8-21.) In Figure 89, an instructor lookup function is provided at function block 89010. Label BB 89030 provides direct access to a professor's virtual office. Decision block 89020 searches for a particular instructor (professor) name, and if the name is found, then at function block 89040, the professor's virtual office is entered and if office hours are in effect, then a student can interact with the professor in a chat room. A Frequently Asked Questions (FAQ) is provided to assist students as shown in function block 89050. Function block 89060 provides old tests, function block 89070 provides classroom issues, function block 89080 provides classroom materials, 89090 provides class handouts, function blocks 89100 provides research topics, function block 89110 provides professor office hours, and function block 89120 provides homework assignments. Finally, at label A 87020, control is passed back for further travel through the virtual university. If the traveler desires further class access as detected at decision block 89210, then function block 89230 provides a class directory. If class access is not desired at decision block 89210, then control is passed via label a 87020 for further travel through the virtual university. Function block 89240 provides class materials, function block 89250 provides access to a student's grades, function block 89260 provides access to class announcements, function block 89270 provides access to class homework, function block 89280 provides access to tests, function block 89290 provides access to class schedules, function block 89300 provides access to a breakout room, function block 89310 provides access to research topics and function block 89320 provides access to lectures. Finally, at label A 87020 control is passed back to provide further travel through the virtual university.

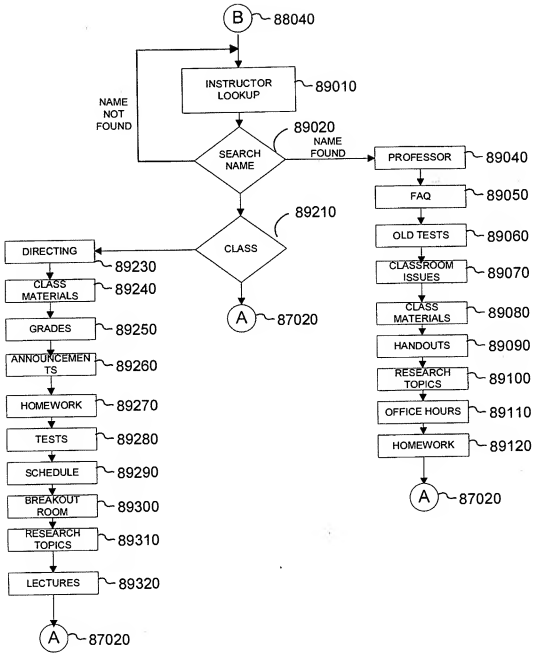
B
88040
INSTRUCTOR LOOKUP
89010
NAME NOT FOUND
SEARCH NAME
89020
NAME FOUND
PROFESSOR
89040
FAQ
89050
OLD TESTS
89060
CLASSROOM ISSUES
89070
CLASS MATERIALS
89080
HANDOUTS
89090
RESEARCH TOPICS
89100
OFFICE HOURS
89110
HOMEWORK
89120
A
87020
CLASS
89210
DIRECTING
89230
CLASS MATERIALS
89240
GRADES
89250
ANNOUNCEMENTS
89260
HOMEWORK
89270
TESTS
89280
SCHEDULE
89290
BREAKOUT ROOM
89300
RESEARCH TOPICS
89310
LECTURES
89320
A
87020
A
87020

FIGURE 89

Figure 95 (as shown below) presents the detailed logic associated with virtual classroom processing in accordance with a preferred embodiment. (Page 227, lines 18-30.) Processing commences at function block 95000 when a traveler enters the classroom. A list of students is presented in decision block 95010, then a student can enter a chat room at function block 95020, or a student can enter a collaboration at function block 95030 and control is returned to label A 95001. A test is performed at decision block 95040 to determine if a student desires to participate in a class. If so, then at function block 95050 a student can listen to a lecture, at function block 95060, a student can watch a video, at function block 95100 a student can watch a presentation, at function block 95110 a student can collaborate with a class, function block 95120 a virtual hand raise to recognized for participation is handled, function block 95130 interactive browsing is performed, function block 95140 an assignment can be submitted and at function block 95150 a test can be taken and control is returned to label A 95001.

If instruction is desired as detected at decision block 95300, then a lecture can be presented in function block 95400, a presentation is displayed at function block 95410, a collaboration is initiated at function block 95420, a moderation is. performed at function block 95500, breakout groups or rooms are initiated at function block 95600 and a session is recorded at 95610 and control is returned to label A 95001. (Page 228, lines 1-6.)

If lessons are to be created as detected at decision block 95310, then presentations are created in function block 95200, create videos in function block 95210, create links as in function block 95220, create a simulation in function block 95230, add materials to the resource center in function block 95240, create assignments in function block 95250 and create tasks in function block 95260 and control is returned to label A 95001. (Page 228, lines 8-20.) Then, via

label G 95320, control is passed to a decision block to determine if the traveler desires entry into the resource center. At function block 96100 (as shown in Figure 96 below) materials can be viewed, at function block 96110 past sessions can be viewed, at function block 96120 assignments can be viewed, at function block 96130 Frequently Asked Questions (FAQ)s can be reviewed, at function block 96140 assignments can be submitted, at function block 96150 past tests can be reviewed and at function block 96160 feedback can be submitted to the instructor. Finally, control is returned label 96200 or 96210.

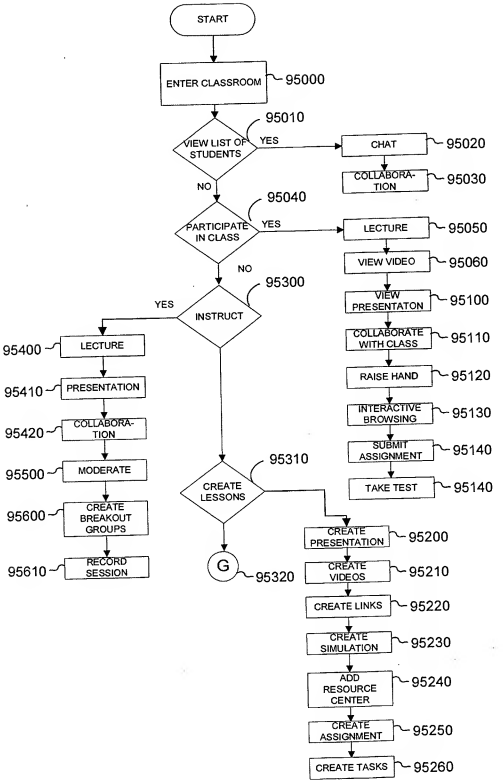
START
ENTER CLASSROOM
95000
95010
VIEW LIST OF STUDENTS
YES
CHAT
95020
COLLABORA-TION
95030
NO
95040
PARTICIPATE IN CLASS
YES
LECTURE
95050
VIEW VIDEO
95060
NO
95300
VIEW PRESENTATON
95100
YES
INSTRUCT
COLLABORATE WITH CLASS
95110
95400
LECTURE
RAISE HAND
95120
95410
PRESENTATION
INTERACTIVE BROWSING
95130
95420
COLLABORA-TION
SUBMIT ASSIGNMENT
95140
95500
MODERATE
95310
TAKE TEST
95140
95600
CREATE BREAKOUT GROUPS
CREATE LESSONS
CREATE PRESENTATION
95200
95610
RECORD SESSION
G
95320
CREATE VIDEOS
95210
CREATE LINKS
95220
CREATE SIMULATION
95230
ADD RESOURCE CENTER
95240
CREATE ASSIGNMENT
95250
CREATE TASKS
95260

FIGURE 95

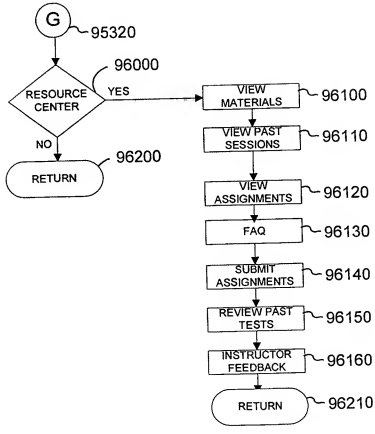
G
95320
96000
RESOURCE CENTER
YES
NO
RETURN
96200
VIEW MATERIALS
96100
VIEW PAST SESSIONS
96110
VIEW ASSIGNMENTS
96120
FAQ
96130
SUBMIT ASSIGNMENTS
96140
REVIEW PAST TESTS
96150
INSTRUCTOR FEEDBACK
96160
RETURN
96210

FIGURE 96

Embodiments of the invention may incorporate a personal computer such as an IBM compatible personal computer, Apple Macintosh computer or UNIX based workstation. (Page 11, line 15-page 12, line 2.) (A representative hardware environment is depicted in Figure 1 (as shown below), which illustrates a typical hardware configuration of a workstation in accordance with a preferred embodiment having a central processing unit 110, such as a microprocessor, and a number of other units interconnected via a system bus 112. The workstation shown in Figure 1 includes a Random Access Memory (RAM) 114, Read Only Memory (ROM) 116, an UO adapter 118 for connecting peripheral devices such as disk storage units 120 to the bus 112, a user interface adapter 122 for connecting a keyboard 124, a mouse 126, a speaker 128, a microphone 132, and/or other user interface devices such as a touch screen (not shown) to the bus 112, communication adapter 134 for connecting the workstation to a communication network (e.g., a data processing network) -and a display adapter 136 for connecting the bus 112 to a display device 138. The workstation typically has resident thereon an operating system such as the Microsoft Windows NT or Windows195 Operating System (OS), the IBM OS12 operating system, the MAC OS, or UNIX operating system. Those skilled in the art will appreciate that the present invention may also be implemented on platforms and operating systems other than those mentioned.

Embodiments of the invention may be implemented with JAVA, C, and the CU language and may utilize object oriented programming (OOP) methodology. (Page 12, lines 4-11.) The principles of OOP may be applied to a messaging interface of an electronic messaging system such that a set of OOP classes and objects for the messaging interface can be provided.

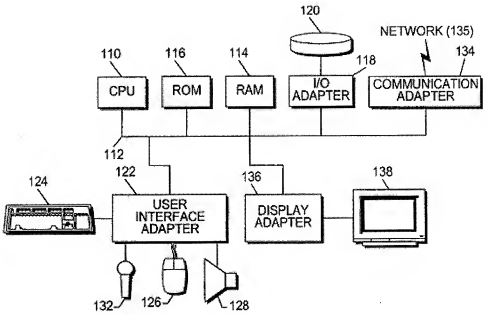
120
NETWORK (135)
110
116
114
118
134
CPU
ROM
RAM
I/O ADAPTER
COMMUNICATION ADAPTER
112
124
122
136
138
USER INTERFACE ADAPTER
DISPLAY ADAPTER
132
126
128

FIGURE 1

Description of Independent Claims

Independent claim 20 is directed to the method for providing one or more virtual instructors (Page 2, lines 27-31; Page 3, lines 1-5; Page 228, lines 1-6; Page 221, lines 7-9.). A server is connected to the users and a virtual instructor (Page 222, lines 9-19; Figure 87, block 87000.). A destination is selected within the server to interact with the users (Page 222, line 9-19; Figure 87, block 87010; Page 223, lines 8-21), and the users are coupled through the server based on the destination (Page 2, lines 27-31; Page 222, lines 21-28; Figure 87, block 87080; Page 227, lines 18-30; Figure 95, block 95030.). Interaction parameters are established based on the selected destination (Page 2, lines 27-31.). Another virtual instructor is dynamically added with the first virtual instructor and the users (Page 228, lines 1-6; Figure 95, blocks 95300-95600; page 2, lines 27-30 of parent application 09/306,022.) For example, when a user (student) selects instruction (block 95300), a first virtual instructor provides a lecture (block 95400) through a presentation (block 95410). In accordance with collaboration (block 95420) and moderation (block 95500), a second virtual instructor may be dynamically added so that the second virtual instructor can collaborate with the first virtual instructor. Also, a user can select a particular destination within the server to interact with the one or more users establish interaction parameters for the one or more users based on the selected destination and dynamically add a second virtual instructor (Page 2, lines 27-30 of parent application 09/306,022.)

Independent claim 29 is directed to apparatus for providing one or more virtual instructors (Page 2, lines 27-31; Page 3, lines 1-5; Page 228, lines 1-6; Page 221, lines 7-9; Page 11, line 15-page 12, line 2.). A processor coupled to memory of the apparatus performs connecting a server, the users, and a virtual instructor (Page 222, lines 9-19; Figure 87, block 87000.). The processor further performs selecting a destination within the server to interact with

the users (Page 222, line 9-19; Figure 87, block 87010; Page 223, lines 8-21), and coupling the users through the server based on the destination (Page 2, lines 27-31; Page 222, lines 21-28; Figure 87, block 87080; Page 227, lines 18-30; Figure 95, block 95030.). The processor further performs establishing interaction parameters based on the selected destination (Page 2, lines 27-31.). The processor further performs dynamically adding another virtual instructor with the first virtual instructor and the users (Page 228, lines 1-6; Figure 95, block 95420; page 2, lines 27-30 of parent application 09/306,022.) For example, when a user (student) selects instruction (block 95300), a first virtual instructor provides a lecture (block 95400) through a presentation (block 95410). In accordance with collaboration (block 95420) and moderation (block 95500), a second virtual instructor may be dynamically added so that the second virtual instructor can collaborate with the first virtual instructor. Also, a user can select a particular destination within the server to interact with the one or more users establish interaction parameters for the one or more users based on the selected destination and dynamically add a second virtual instructor (Page 2, lines 27-30 of parent application 09/306,022.)

Independent claim 30 is directed a computer-readable storage medium having computer-executable instructions (Page 2, lines 27-31; Page 3, lines 1-5; Page 228, lines 1-6; Page 221, lines 7-9; Page 11, line 15-page 12, line 2; Page 12, lines 4-11.) that when executed perform connecting a server, the users, and a virtual instructor (Page 222, lines 9-19; Figure 87, block 87000.). The instructions further select a destination within the server to interact with the users (Page 222, line 9-19; Figure 87, block 87010; Page 223, lines 8-21), and couple the users through the server based on the destination (Page 2, lines 27-31; Page 222, lines 21-28; Figure 87, block 87080; Page 227, lines 18-30; Figure 95, block 95030.). The instructions further establish interaction parameters based on the selected destination (Page 2, lines 27-31.). The instructions

further dynamically add another virtual instructor with the first virtual instructor and the users (Page 228, lines 1-6; Figure 95, block 95420; page 2, lines 27-30 of parent application 09/306,022.) For example, when a user (student) selects instruction (block 95300), a first virtual instructor provides a lecture (block 95400) through a presentation (block 95410). In accordance with collaboration (block 95420) and moderation (block 95500), a second virtual instructor may be dynamically added so that the second virtual instructor can collaborate with the first virtual instructor. Also, a user can select a particular destination within the server to interact with the one or more users establish interaction parameters for the one or more users based on the selected destination and dynamically add a second virtual instructor (Page 2, lines 27-30 of parent application 09/306,022.)

VI. Grounds of Rejection to be Reviewed on Appeal

Whether claims 20-38 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 5,310,349 (Daniels) in view of U.S. Patent No. 6,427,063 (Cook).

VII. Argument

A. Claims 20-28 are patentable because the combination of Daniels and Cook fails to even suggest every feature.

The combination of Daniels and Cook fails to suggest the feature of "dynamically adding a second virtual instructor with the first virtual instructor and the one or more users." An obviousness rejection under 35 U.S.C. § 103 is appropriate only when the differences between the claimed invention and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q.2d 1614, 1616 (Fed. Cir. 1999); 35 U.S.C. § 103(a) (1999). The ultimate determination of whether an invention would have been obvious is a legal conclusion based on underlying factual inquiries including: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) any objective evidence of non-obviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 U.S.P.Q. 459, 467 (1966). An obviousness rejection must include some articulated reasoning that makes logical sense. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727,1741 (2007). ("To facilitate review, this analysis should be made explicit. See *In re Kahn,* 441 F.3d 977, 988 (C.A.Fed.2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness").").

The Office Action admits (Page 4.):

> Daniels is silent regarding: dynamically adding second virtual instructor with the first virtual instructor and the one or more users.

Regarding independent claim 20, the Office Action admits (Page 4.):

> Daniels is silent regarding: dynamically adding second virtual instructor with the first virtual instructor and the one or more users.

The Office Action alleges (Page 4.):

> Cook discloses an agent based instruction system including dynamically adding second virtual instructor (virtual tutor)(see col. 10, lines 25-67 and col. 62-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Cook such as dynamically adding second virtual instructor/tutor with the first virtual instructor and the one or more users into the system of Daniels in order to provide individualized guidance to the students.

Cook recites (Column 10, lines 25-40. Emphasis added.):

> In view of these objects and advantages, FIG. 1 illustrates the principal actors and the principal functional components in an ABI System. These include, generally, materials engine 102, agent software 108, and student data object 109, all of which interact with student 101 and with teachers and administrators 106 via a computer network described below in conjunction with FIG. 2 **to create a virtual tutor of student 101.** Student 101 is typically one of many students enrolled in a school or similar institution. **Central to the ABI System is the virtual tutor individualized to each student, which formed by the functioning of agent software 108 with student data object 109**, which stores characteristics of student 101 and assignments and standards set by teachers and administrators 106. Other actors not shown in FIG. 1 can be relevant in particular applications, for example, parents in the case of primary and secondary education.

While Cook may discuss a virtual tutor of student 101 that is supported by agent software 108, Cook fails to discuss any thing about a second virtual tutor and consequently fails to suggest the feature of "dynamically adding a second virtual instructor with the first virtual instructor and the one or more users." For example, agent software 108, in reference to fig. 1, interacts with student data object 109 (corresponding to student 101); however, Cook fails to even suggest interaction of agent 108 with a second agent.[1] The Office Action further alleges (Pages 2-3):

[1] For example, Cook recites "In view of these objects and advantages, FIG. 1 illustrates the principal actors and the principal functional components in an ABI System. These include, generally, materials engine 102,

> ... Here Cook provides the addition of additional virtual tutor into the system of Daniel to provide individualized guidance to the students. Furthermore, Cook also provides in addition to the software agent 108 another software module described as "Materials Engine" which is a software module that reference instructional materials data and tools data to present the instruction and the tools to the student. Materials engine 102 presents educational content such as instructional units, homework assignments, and testing to student 101.

However, Cook merely discusses agent software 108 that becomes a virtual tutor and that directly controls materials engine 102 through arrow 111 in the presentation of materials data to student 101. (Column 11, line 49-column 12, line 45.) Consequently, agent software 108 and materials engine 102 function as a single entity. Cook fails to suggest anything about a second virtual tutor.

Claims 20-28 are patentable over the combination of Daniels and Cook. Thus, the rejections of claims 20-28 under 35 U.S.C. 103(a) should be reversed.

B. Claim 29 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

The combination of Daniels and Cook fails to suggest the feature of "a processor coupled to the memory and configured to perform, based on instructions stored in the memory" "dynamically adding a second virtual instructor with the first virtual instructor and the one or more users." An obviousness rejection under 35 U.S.C. § 103 is appropriate only when the differences between the claimed invention and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q.2d 1614, 1616 (Fed. Cir. 1999); 35

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agent software 108, and student data object 109, all of which interact with student 101 and with teachers and administrators 106 via a computer network described below in conjunction with FIG. 2 to create a virtual tutor of student 101. Student 101 is typically one of many students enrolled in a school or similar institution. Central to the ABI System is the virtual tutor individualized to each student, which formed by the functioning of agent software 108 with student data object 109, which stores characteristics of student 101 and assignments and standards set by teachers and administrators 106. Other actors not shown in FIG. 1 can be relevant in particular applications, for example, parents in the case of primary and secondary education." (Column 10, lines 25-40.)

U.S.C. § 103(a) (1999). The ultimate determination of whether an invention would have been obvious is a legal conclusion based on underlying factual inquiries including: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) any objective evidence of non-obviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 U.S.P.Q. 459, 467 (1966). An obviousness rejection must include some articulated reasoning that makes logical sense. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727,1741 (2007). ("To facilitate review, this analysis should be made explicit. See *In re Kahn,* 441 F.3d 977, 988 (C.A.Fed.2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness").").

The Office Action admits (Page 6.):

> Daniels is silent regarding: dynamically adding second virtual instructor with the first virtual instructor and the one or more users.

The Office Action alleges (Page 6.):

> Cook discloses an agent based instruction system including dynamically adding second virtual instructor (virtual tutor)(see col. 10, lines 25-67 and col. 62-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Cook such as dynamically adding second virtual instructor/tutor with the first virtual instructor and the one or more users into the system of Daniels in order to provide individualized guidance to the students.

Cook recites (Column 10, lines 25-40. Emphasis added.):

> In view of these objects and advantages, FIG. 1 illustrates the principal actors and the principal functional components in an ABI System. These include, generally, materials engine 102, agent software 108, and student data object 109, all of which interact with student 101 and with teachers and administrators 106 via a computer network described below in conjunction with FIG. 2 **to create a virtual tutor of student 101.** Student 101 is typically one of many students enrolled in a school or similar

> institution. **Central to the ABI System is the virtual tutor individualized to each student, which formed by the functioning of agent software 108 with student data object 109**, which stores characteristics of student 101 and assignments and standards set by teachers and administrators 106. Other actors not shown in FIG. 1 can be relevant in particular applications, for example, parents in the case of primary and secondary education.

While Cook may discuss a virtual tutor of student 101 that is supported by agent software 108, Cook fails to discuss any thing about a second virtual tutor and consequently fails to suggest the feature of "dynamically adding a second virtual instructor with the first virtual instructor and the one or more users." For example, agent software 108, in reference to fig. 1, interacts with student data object 109 (corresponding to student 101); however, Cook fails to even suggest interaction of agent 108 with a second agent.[2] The Office Action further alleges (Pages 2-3):

> ... Here Cook provides the addition of additional virtual tutor into the system of Daniel to provide individualized guidance to the students. Furthermore, Cook also provides in addition to the software agent 108 another software module described as "Materials Engine" which is a software module that reference instructional materials data and tools data to present the instruction and the tools to the student. Materials engine 102 presents educational content such as instructional units, homework assignments, and testing to student 101.

However, Cook merely discusses agent software 108 that becomes a virtual tutor and that directly controls materials engine 102 through arrow 111 in the presentation of materials data to student 101. (Column 11, line 49-column 12, line 45.) Consequently, agent software 108

[2] For example, Cook recites "In view of these objects and advantages, FIG. 1 illustrates the principal actors and the principal functional components in an ABI System. These include, generally, materials engine 102, agent software 108, and student data object 109, all of which interact with student 101 and with teachers and administrators 106 via a computer network described below in conjunction with FIG. 2 to create a virtual tutor of student 101. Student 101 is typically one of many students enrolled in a school or similar institution. Central to the ABI System is the virtual tutor individualized to each student, which formed by the functioning of agent software 108 with student data object 109, which stores characteristics of student 101 and assignments and standards set by teachers and administrators 106. Other actors not shown in FIG. 1 can be relevant in particular applications, for example, parents in the case of primary and secondary education." (Column 10, lines 25-40.)

and materials engine 102 function as a single entity. Cook fails to suggest anything about a second virtual tutor.

Claim 29 is patentable over the combination of Daniels and Cook. Thus, the rejections of claim 29 under 35 U.S.C. 103(a) should be reversed.

C. Claims 30-38 are patentable because the combination of Daniels and Cook fails to even suggest every feature.

The combination of Daniels and Cook fails to suggest the feature of "A computer-readable storage medium having computer-executable instructions that when executed perform" "dynamically adding a second virtual instructor with the first virtual instructor and the one or more users." An obviousness rejection under 35 U.S.C. § 103 is appropriate only when the differences between the claimed invention and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q.2d 1614, 1616 (Fed. Cir. 1999); 35 U.S.C. § 103(a) (1999). The ultimate determination of whether an invention would have been obvious is a legal conclusion based on underlying factual inquiries including: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) any objective evidence of non-obviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 U.S.P.Q. 459, 467 (1966). An obviousness rejection must include some articulated reasoning that makes logical sense. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727,1741 (2007). ("To facilitate review, this analysis should be made explicit. See *In re Kahn,* 441 F.3d 977, 988 (C.A.Fed.2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness").").

The Office Action admits (Page 7.):

> Daniels is silent regarding: dynamically adding second virtual instructor with the first virtual instructor and the one or more users.

The Office Action alleges (Page 7.):

> Cook discloses an agent based instruction system including dynamically adding second virtual instructor (virtual tutor)(see col. 10, lines 25-67 and col. 62-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Cook such as dynamically adding second virtual instructor/tutor with the first virtual instructor and the one or more users into the system of Daniels in order to provide individualized guidance to the students.

Cook recites (Column 10, lines 25-40. Emphasis added.):

> In view of these objects and advantages, FIG. 1 illustrates the principal actors and the principal functional components in an ABI System. These include, generally, materials engine 102, agent software 108, and student data object 109, all of which interact with student 101 and with teachers and administrators 106 via a computer network described below in conjunction with FIG. 2 **to create a virtual tutor of student 101.** Student 101 is typically one of many students enrolled in a school or similar institution. **Central to the ABI System is the virtual tutor individualized to each student, which formed by the functioning of agent software 108 with student data object 109**, which stores characteristics of student 101 and assignments and standards set by teachers and administrators 106. Other actors not shown in FIG. 1 can be relevant in particular applications, for example, parents in the case of primary and secondary education.

While Cook may discuss a virtual tutor of student 101 that is supported by agent software 108, Cook fails to discuss any thing about a second virtual tutor and consequently fails to suggest the feature of "dynamically adding a second virtual instructor with the first virtual instructor and the one or more users." For example, agent software 108, in reference to fig. 1, interacts with student data object 109 (corresponding to student 101); however, Cook fails to

even suggest interaction of agent 108 with a second agent.[3] The Office Action further alleges (Pages 2-3):

> ... Here Cook provides the addition of additional virtual tutor into the system of Daniel to provide individualized guidance to the students. Furthermore, Cook also provides in addition to the software agent 108 another software module described as "Materials Engine" which is a software module that reference instructional materials data and tools data to present the instruction and the tools to the student. Materials engine 102 presents educational content such as instructional units, homework assignments, and testing to student 101.

However, Cook merely discusses agent software 108 that becomes a virtual tutor and that directly controls materials engine 102 through arrow 111 in the presentation of materials data to student 101. (Column 11, line 49-column 12, line 45.) Consequently, agent software 108 and materials engine 102 function as a single entity. Cook fails to suggest anything about a second virtual tutor.

Claims 30-38 are patentable over the combination of Daniels and Cook. Thus, the rejections of claims 30-38 under 35 U.S.C. 103(a) should be reversed.

D. Claim 21 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section A, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor monitors progress and provides feedback." The Office Action alleges that (Page 4.):

[3] For example, Cook recites "In view of these objects and advantages, FIG. 1 illustrates the principal actors and the principal functional components in an ABI System. These include, generally, materials engine 102, agent software 108, and student data object 109, all of which interact with student 101 and with teachers and administrators 106 via a computer network described below in conjunction with FIG. 2 to create a virtual tutor of student 101. Student 101 is typically one of many students enrolled in a school or similar institution. Central to the ABI System is the virtual tutor individualized to each student, which formed by the functioning of agent software 108 with student data object 109, which stores characteristics of student 101 and assignments and standards set by teachers and administrators 106. Other actors not shown in FIG. 1 can be relevant in particular applications, for example, parents in the case of primary and secondary education." (Column 10, lines 25-40.)

> In considering claim 21, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor monitors progress and provides feedback (see col. 3, lines 29-31 and col. 6, lines 36-63 and col. 14, lines 37-64).

However, Daniels fails to teach the feature of "wherein the second virtual instructor monitors progress and provides feedback." Daniels does disclose (Column 3, lines 25-40.):

> Among the functions provided by the present invention are the following:
>
> 1) deliver a customized sequence of appropriate learning events to each student;
>
> 2) direct and monitor student progress and various online and offline activities and tailor instruction to fully integrate them into the classroom;
>
> 3) adapt a standard sequence of curricula and prescribe lessons from third-party materials;
>
> 4) branch students to appropriate remedial or enrichment activities;
>
> 5) generate criterion-referenced pretests and post-tests; and
>
> 6) create, maintain, and update instructional records on each student and electronically transfer records within and between schools.

Daniels fails to teach anything about providing feedback. Daniels also discloses (Column 6, lines 37-64.):

> Within the teacher group there are three different subgroups. The first teacher subgroup is that of regular teacher. The regular teacher is limited to access of records of students in sections.
>
> The second teacher subgroup is that of a substitute teacher. A substitute teacher has access to student records for a particular section. Access is restricted only to a particular time period.
>
> The third teacher subgroup is that of media specialist. A media specialist may add and delete access to a card catalog of references (data base information on all books, video tapes, audio tapes, and films used in instruction) that are not specifically kept in the classroom. Productivity tools specifically available in the media center are the card catalog, and may include an electronic encyclopedia such as Compton's Multimedia

> Encyclopedia, and may include an electronic dictionary such as the Merriam-Webster Dictionary.
>
> The sixth main user access class is that of a vendor. A vendor is a technician who initially installs and configures the system. Configuration may involve activating or suppressing certain features of the system. The vendor may also have access to special system usage or performance reports. They may also have access to helpful system debugging reports. A vendor inputs a report to the IMS describing each visit.

Daniels merely discloses different teacher subgroups accessing different portions of the instructional management system (IMS).

Daniels further discloses: (Column 14, lines 37-64.):

> FIG. 20 is a flow chart illustrating the System Monitor functions available in the IMS. The System Monitor gathers information that describes the state of each workstation and then provides that information for the user to view, as shown in FIG. 20. If either view fields 90, sort fields 92, or modify fields 94 are selected, a submenu 96 is presented to allow a user to perform the desired function on user information, workstation information, or application information. If assign temporary activity 98 is selected, a temporary activity is assigned to a student at 100. If view or edit sequence 102 is selected, the sequence may be viewed at 104 and start and end dates assigned at 106. If system log 108 is selected, the system log is displayed at 110. If maintenance log 112 is selected, the maintenance log is displayed at 114.
>
> The System Monitor presents the state of the system in two formats, a graphical format and a list format. The System Monitor allows the user to specify which workstations to monitor. For the graphical presentation, the user will specify the workstations by selecting which room is to monitor. For the list presentation, the user specifies which workstations are to be monitored by selecting those workstations that have Students that belong to a particular Section or by selecting one or more Rooms. For the list presentation the user may also specify which status items will be used for sorting the information to be displayed.

Daniels merely discloses allowing a user to perform the desired function on user information, workstation information, or application information, including specifying which workstations to monitor.

Claim 21 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 21 under 35 U.S.C. 103(a) should be reversed.

E. Claim 22 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section A, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor is selected by the one or more users."

Also, regarding claim 22, the Office Action alleges that (Page 4.):

> In considering claim 22, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor (second teacher) is selected by one [or] more users (see col. 6, lines 36-63 and col. 14, lines 37-64).

Daniels fails to teach the feature of "wherein the second virtual instructor is selected by the one or more users." Moreover, Daniels fails to suggest anything about selecting a second virtual instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 22 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 22 under 35 U.S.C. 103(a) should be reversed.

F. Claim 23 is patentable because the combination of Daniels and Cool fails to even suggest every feature.

In addition to the arguments presented in Section A, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor becomes the principal instructor." The Office Action alleges that (Page 4.):

> In considering claim 23, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor becomes the principal (see col. 6, lines 36-63 and col. 14, lines 37-64).

Daniels fails to teach the feature of "wherein the second virtual instructor becomes the principal instructor." Moreover, Daniels fails to suggest anything about an instructor becoming the principal instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 23 is patentable over the combination of Daniels and Cook Thus, the rejection of claim 23 under 35 U.S.C. 103(a) should be reversed.

G. Claim 24 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section A, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor works with the first instructor to instruct the one or more users." The Office Action alleges that (Page 5.):

> In considering claim 24, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor works with the first instructor to instructor [instruct] the one or more users (see col. 6, lines 36-63).

Daniels fails to teach the feature of "wherein the second virtual instructor works with the first instructor to instruct the one or more users." Moreover, Daniels fails to suggest anything about the second virtual instructor working with the first instructor to instruct a user. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 24 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 24 under 35 U.S.C. 103(a) should be reversed.

H. Claim 25 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section A, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor collaborates privately with the first virtual instructor." The Office Action alleges that (Page 5.):

> In considering claim 25, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor collaborates privately with the first instructor (col. 6, lines 36-63).

Daniels fails to teach the feature of "wherein the second virtual instructor collaborates privately with the first virtual instructor." Moreover, Daniels fails to suggest anything about the second instructor collaborating with the first instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 25 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 25 under 35 U.S.C. 103(a) should be reversed.

I. Claim 27 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section A, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor is selected by the first virtual instructor." The Office Action alleges that (Page 5.):

> In considering claim 27, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor is selected by the first virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

Daniels fails to teach the feature of "wherein the second virtual instructor is selected by the first virtual instructor." Moreover, Daniels fails to suggest anything about the first instructor

selecting the second instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 27 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 27 under 35 U.S.C. 103(a) should be reversed.

J. Claim 28 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section A, the combination of Daniels and Cook fails to suggest the feature of "wherein the interaction parameters include support for electronic distribution of materials from the second virtual instructor." The Office Action alleges that (Page 5.):

> In considering claim 28, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein [the second virtual instructor] the interaction parameters include support of [for] electronic distribution of materials from the second virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

Daniels fails to teach the feature of "wherein the interaction parameters include support for electronic distribution of materials from the second virtual instructor." Moreover, Daniels fails to suggest anything about electronic distribution of materials from the second instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 28 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 28 under 35 U.S.C. 103(a) should be reversed.

K. Claim 31 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section C, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor monitors progress and provides feedback." The Office Action alleges that (Page 8.):

> In considering claim 31, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20 [30], wherein the second virtual instructor monitors progress and provides feedback (see col. 3, lines 29-31 and col. 6, lines 36-63 and col. 14, lines 37-64).

However, Daniels fails to teach the feature of "wherein the second virtual instructor monitors progress and provides feedback." Daniels does disclose (Column 3, lines 25-40.):

> Among the functions provided by the present invention are the following:
>
> 1) deliver a customized sequence of appropriate learning events to each student;
>
> 2) direct and monitor student progress and various online and offline activities and tailor instruction to fully integrate them into the classroom;
>
> 3) adapt a standard sequence of curricula and prescribe lessons from third-party materials;
>
> 4) branch students to appropriate remedial or enrichment activities;
>
> 5) generate criterion-referenced pretests and post-tests; and
>
> 6) create, maintain, and update instructional records on each student and electronically transfer records within and between schools.

Daniels fails to teach anything about providing feedback. Daniels also discloses (Column 6, lines 37-64.):

> Within the teacher group there are three different subgroups. The first teacher subgroup is that of regular teacher. The regular teacher is limited to access of records of students in sections.

> The second teacher subgroup is that of a substitute teacher. A substitute teacher has access to student records for a particular section. Access is restricted only to a particular time period.
>
> The third teacher subgroup is that of media specialist. A media specialist may add and delete access to a card catalog of references (data base information on all books, video tapes, audio tapes, and films used in instruction) that are not specifically kept in the classroom. Productivity tools specifically available in the media center are the card catalog, and may include an electronic encyclopedia such as Compton's Multimedia Encyclopedia, and may include an electronic dictionary such as the Merriam-Webster Dictionary.
>
> The sixth main user access class is that of a vendor. A vendor is a technician who initially installs and configures the system. Configuration may involve activating or suppressing certain features of the system. The vendor may also have access to special system usage or performance reports. They may also have access to helpful system debugging reports. A vendor inputs a report to the IMS describing each visit.

Daniels merely discloses different teacher subgroups accessing different portions of the instructional management system (IMS).

Daniels further discloses: (Column 14, lines 37-64.):

> FIG. 20 is a flow chart illustrating the System Monitor functions available in the IMS. The System Monitor gathers information that describes the state of each workstation and then provides that information for the user to view, as shown in FIG. 20. If either view fields 90, sort fields 92, or modify fields 94 are selected, a submenu 96 is presented to allow a user to perform the desired function on user information, workstation information, or application information. If assign temporary activity 98 is selected, a temporary activity is assigned to a student at 100. If view or edit sequence 102 is selected, the sequence may be viewed at 104 and start and end dates assigned at 106. If system log 108 is selected, the system log is displayed at 110. If maintenance log 112 is selected, the maintenance log is displayed at 114.
>
> The System Monitor presents the state of the system in two formats, a graphical format and a list format. The System Monitor allows the user to specify which workstations to monitor. For the graphical presentation, the user will specify the workstations by selecting which room is to monitor. For the list presentation, the user specifies which workstations are to be monitored by selecting those workstations that have Students that belong

> to a particular Section or by selecting one or more Rooms. For the list presentation the user may also specify which status items will be used for sorting the information to be displayed.

Daniels merely discloses allowing a user to perform the desired function on user information, workstation information, or application information, including specifying which workstations to monitor.

Claim 31 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 31 under 35 U.S.C. 103(a) should be reversed.

L. Claim 32 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section C, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor is selected by the one or more users." The Office Action alleges that (Page 8.):

> In considering claim 32, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20 [30], wherein the second virtual instructor (second teacher) is selected by one [or] more users (see col. 6, lines 36-63 and col. 14, lines 37-64).

Daniels fails to teach the feature of "wherein the second virtual instructor is selected by the one or more users." Moreover, Daniels fails to suggest anything about selecting a second virtual instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 32 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 32 under 35 U.S.C. 103(a) should be reversed.

M. Claim 33 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section C, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor becomes the principal instructor." The Office Action alleges that (Page 8.):

> In considering claim 33, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20 [30], wherein the second virtual instructor becomes the principal (see col. 6, lines 36-63 and col. 14, lines 37-64).

Daniels fails to teach the feature of "wherein the second virtual instructor becomes the principal instructor." Moreover, Daniels fails to suggest anything about an instructor becoming the principal instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 33 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 33 under 35 U.S.C. 103(a) should be reversed.

N. Claim 34 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section C, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor works with the first instructor to instruct the one or more users." The Office Action alleges that (Page 8.):

> In considering claim 34, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20 [30], wherein the second virtual instructor works with the first instructor to instructor [instruct] the one or more users (see col. 6).

Daniels fails to teach the feature of "wherein the second virtual instructor works with the first instructor to instruct the one or more users." Moreover, Daniels fails to suggest anything

about the second virtual instructor working with the first instructor to instruct a user. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 34 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 34 under 35 U.S.C. 103(a) should be reversed.

O. Claim 35 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section C, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor collaborates privately with the first virtual instructor." The Office Action alleges that (Pages 8-9.):

> In considering claim 35, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20 [30], wherein the second virtual instructor collaborates privately with the first instructor (col. 6, lines 36-63).

Daniels fails to teach the feature of "wherein the second virtual instructor collaborates privately with the first virtual instructor." Moreover, Daniels fails to suggest anything about the second instructor collaborating with the first instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 35 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 35 under 35 U.S.C. 103(a) should be reversed.

P. Claim 37 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section C, the combination of Daniels and Cook fails to suggest the feature of "wherein the second virtual instructor is selected by the first virtual instructor." The Office Action alleges that (Page 9.):

> In considering claim 37, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20 [30], wherein the second virtual instructor is selected by the first virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

Daniels fails to teach the feature of "wherein the second virtual instructor is selected by the first virtual instructor." Moreover, Daniels fails to suggest anything about the first instructor selecting the second instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 37 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 37 under 35 U.S.C. 103(a) should be reversed.

Q. Claim 38 is patentable because the combination of Daniels and Cook fails to even suggest every feature.

In addition to the arguments presented in Section C, the combination of Daniels and Cook fails to suggest the feature of "wherein the interaction parameters include support for electronic distribution of materials from the second virtual instructor." The Office Action alleges that (Page 9.):

> In considering claim 38, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20 [30], wherein [the second virtual instructor] the interaction parameters include support of [for] electronic distribution of materials from the second virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

Daniels fails to teach the feature of "wherein the interaction parameters include support for electronic distribution of materials from the second virtual instructor." Moreover, Daniels fails to suggest anything about electronic distribution of materials from the second instructor. Daniels merely discloses three different teacher subgroups in the teach group without any interaction between the subgroups.

Claim 38 is patentable over the combination of Daniels and Cook. Thus, the rejection of claim 38 under 35 U.S.C. 103(a) should be reversed.

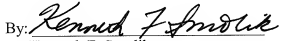
Conclusions

The rejections of claims 20-38 contained in the Final Office Action of November 26, 2008 should be reversed for at least the reasons recited above. Reversal of the rejections is requested.

Respectfully Submitted,

Banner & Witcoff, LTD

Date: May 18, 2009

By: 

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CLAIMS APPENDIX

1-19. Canceled

20. A method for providing one or more virtual instructors, comprising the steps of:

(a) connecting a server and one or more users and a first virtual instructor;

(b) selecting a destination within the server to interact with the one or more users;

(c) coupling the one or more users through the server based on the selected destination;

(d) establishing interaction parameters for the one or more users based on the selected destination; and

(e) dynamically adding a second virtual instructor with the first virtual instructor and the one or more users.

21. The method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor monitors progress and provides feedback.

22. The method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor is selected by the one or more users.

23. The method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor becomes the principal instructor.

24. The method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor works with the first instructor to instruct the one or more users.

25. The method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor collaborates privately with the first virtual instructor.

26. The method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor leads a breakout session with one or more of the users.

27. The method for establishing a virtual instructor as recited in claim 20, wherein the second virtual instructor is selected by the first virtual instructor.

28. The method for establishing a virtual instructor as recited in claim 20, wherein the interaction parameters include support for electronic distribution of materials from the second virtual instructor.

29. An apparatus comprising:

a memory; and

a processor coupled to the memory and configured to perform, based on instructions stored in the memory:

(a) connecting a server and one or more users and a first virtual instructor;

(b) selecting a destination within the server to interact with the one or more users;

(c) coupling the one or more users through the server based on the selected destination;

(d) establishing interaction parameters for the one or more users based on the selected destination; and

(e) dynamically adding a second virtual instructor with the first virtual instructor and the one or more users.

30. A computer-readable storage medium having computer-executable instructions that when executed perform:

(a) connecting a server and one or more users and a first virtual instructor;

(b) selecting a destination within the server to interact with the one or more users;

(c) coupling the one or more users through the server based on the selected destination;

(d) establishing interaction parameters for the one or more users based on the selected destination; and

(e) dynamically adding a second virtual instructor with the first virtual instructor and the one or more users.

31. The computer-readable storage medium of claim 30, wherein the second virtual instructor monitors progress and provides feedback.

32. The computer-readable storage medium of claim 30, wherein the second virtual instructor is selected by the one or more users.

33. The computer-readable storage medium of claim 30, wherein the second virtual instructor becomes the principal instructor.

34. The computer-readable storage medium of claim 30, wherein the second virtual instructor works with the first instructor to instruct the one or more users.

35. The computer-readable storage medium of claim 30, wherein the second virtual instructor collaborates privately with the first virtual instructor.

36. The computer-readable storage medium of claim 30, wherein the second virtual instructor leads a breakout session with one or more of the users.

37. The computer-readable storage medium of claim 30, wherein the second virtual instructor is selected by the first virtual instructor.

38. The computer-readable storage medium of claim 30, wherein the interaction parameters include support for electronic distribution of materials from the second virtual instructor.

39. A method for establishing a virtual director that coordinates a training session, comprising the steps of:

(a) initiating a session with a virtual director;

(b) prompting a user to enter a response congruent with a goal;

(c) receiving the response to the goal;

(d) transmitting the response to the virtual director;

(e) calculating a level of congruency between the response and a target response designed to achieve the goal under the supervision of the virtual director;

(f) providing feedback to the user reflecting the level of congruency to assist the user in achieving the goal; and

(g) providing remedial information to assist the user in achieving the goal;

wherein at least one of the steps of the method can be executed manually under the supervision of the virtual director.

40. The method for establishing a virtual director that coordinates a training session as recited in claim 39, wherein the user is manually prompted to enter the response congruent with the goal.

41. The method for establishing a virtual director that coordinates a training session as recited in claim 39, wherein the level of congruency is manually calculated.

42. The method for establishing a virtual director that coordinates a training session as recited in claim 39, wherein the feedback to the user is provided manually.

43. The method for establishing a virtual director that coordinates a training session as recited in claim 39, wherein the remedial information to assist the user in achieving the goal is determined manually.

44. The method for establishing a virtual director that coordinates a training session as recited in claim 39, wherein the method is executed on a plurality of servers which are coupled through a computer network.

45. The method for establishing a virtual director that coordinates a training session as recited in claim 44, wherein the computer network supports Internet Protocol (IP).

46. The method for establishing a virtual director that coordinates a training session as recited in claim 44, wherein the computer network includes a Local Area Network (LAN).

47. The method for establishing a virtual director that coordinates a training session as recited in claim 44, wherein the computer network includes a Wide Area Network (WAN).

48. An apparatus for establishing a virtual director that coordinates a training session, comprising:

(a) logic that initiates a session with a virtual director;

(b) logic that prompts a user to enter a response congruent with a goal;

(c) logic that receives the response to the goal;

(d) logic that transmits the response to the virtual director;

(e) logic that calculates a level of congruency between the response and a target response designed to achieve the goal under the supervision of the virtual director;

(f) logic that provides feedback to the user reflecting the level of congruency to assist the user in achieving the goal; and

(g) logic that provides remedial information to assist the user in achieving the goal, wherein at least one of the logic is executed manually under the supervision of the virtual director.

49. A computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session, comprising:

(a) a code segment that initiates a session with a virtual director;

(b) a code segment that prompts a user to enter a response congruent with the goal;

(c) a code segment that receives the response to the goal;

(d) a code segment that transmits the response to the virtual director;

(e) a code segment that calculates a level of congruency between the response and a target response designed to achieve the goal under the supervision of the virtual director;

(f) a code segment that provides feedback to the user reflecting the level of congruency to assist the user in achieving the goal; and

(g) a code segment that provides remedial information including information from the help engine to assist the user in achieving the goal, wherein at least one of the code segments can be executed manually under the supervision of the virtual director.

50. The computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session as recited in claim 49, wherein a user is prompted manually to enter a response congruent with a goal.

51. The computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session as recited in claim 49, wherein the level of congruency is calculated manually.

52. The computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session as recited in claim 49, wherein the feedback to the user is provided manually.

53. The computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session as recited in claim 49,

wherein the remedial information to assist the user in achieving the goal is determined manually.

54. The computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session as recited in claim 49, wherein the computer program resides on a plurality of servers which are coupled through a computer network.

55. The computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session as recited in claim 54, wherein the computer network supports Internet Protocol (IP).

56. The computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session as recited in claim 54, wherein the computer network includes a Local Area Network (LAN).

57. The computer program embodied on a computer-readable medium that establishes a virtual director that coordinates a training session as recited in claim 54, wherein the computer network includes a Wide Area Network (WAN).

EVIDENCE APPENDIX

-NONE-

RELATED PROCEEDINGS APPENDIX

- NONE-